(3)

C 5-100

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR
(C.G.)

WRIT PET NO. 2001 /2004

PETITIONER

Manav Rachana University Private University, Established & Incorporated, notified under the Chhattisgarh Niji Kshetra Vidyalaya (Sthapna Aur Viniman) Adhiniyam 2002, 8-Pushpak Apartment, Chhotapara, Raipur (CG) through : Vice President, Prakash Davara, son of Shri Magan Lal Davara, aged about 52 years, resident of- A-1 Pushpak Apartment, Chhotapara, Raipur (CG)

R. R. No. 2081/04
Presented by Shri Vinod Lalchandani
dated 16-7-04

VERSUS

RESPONDENTS

1. The State of Chhattisgarh, through : the Secretary, Department of Higher Education, Mantralay, D.K.S. Bhawan, Raipur (Chhattisgarh)

2. Regulatory commission, Constituted under Chhattisgarh Niji Kshetra

GIVED-COPY
16/7/04
Clerk to A. G. Bilaspur

Vishwa Vidyalaya (Sthapna Aur Viniman) Adhiniyam 2002 (No.2 of 2002), C/o. Secretary, Department of Higher Education, Mantralay, D.K.S. Bhawan, Raipur (Chhattisgarh)

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA, 1950 FOR ISSUANCE OF WRIT IN THE NATURE OF CERTIORARI, MANDAMUS ETC. AND FOR APPROPRIATE ORDER/ORDERS,DIRECTION/ DIRECTIONS.

(72)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 2001/2004 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

DIVISION BENCH:

HON'BLE SHRI A.K. PATNAIK, CJ
& HON'BLE SHRI SUNIL KUAMR SINHA, J.

25.06.2005:

Heard Mr. Y.C. Sharma, learned counsel for the petitioner, Mr. P.S. Koshy, learned Dy. Advocate General for the State of Chhattisgarh.

In this writ petition the petitioner has challenged the constitutional validity and vires of Chhattisgarh Niji Kshetra Vishwavidyalaya (Sthapana Aur Viniyaman) Adhiniyam, 2004 by which the provisions of Chhattisgarh Niji Kshetra Vishwavidyalaya (Sthapana Aur Viniyaman) Adhiniyam, 2002 are sought to be amended.

By a judgment of the Supreme Court dated 11.02.2005 delivered in Writ Petition (Civil) No.19 of 2004 (Professor Yashpal & Others vs. State of Chhattisgarh & Others), the Supreme Court has declared the provisions of Sections 5 & 6 of the Chhattisgarh Niji Kshetra Vishwavidyalaya (Sthapana Aur Viniyaman) Adhiniyam, 2002 as ultra vires the Constitution and has also quashed the notifications issued by the State Government in the Gazette in the purported exercise of the power under Section 5 of the aforesaid Act notifying the universities and also held that the universities shall cease to exist.

In view of the said judgment of the Supreme Court dated 11.02.2005, this writ petition does not survive and accordingly the same is dismissed.

Sd/-
Chief Justice
Judge

Sd/-
Sunil Kumar Sinha
Judge

Subbu